

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:22-cv-30
)	
SIG SAUER P320 X-CARRY PISTOL,)	
SERIAL NUMBER 58H048166;)	
RUGER STANDARD PISTOL, SERIAL)	
NUMBER 642-28484; AND)	
MISCELLANEOUS AMMUNITION,)	
)	
Defendants.)	

VERIFIED COMPLAINT FOR FORFEITURE

AND NOW comes the United States of America, by and through its counsel, Cindy K. Chung, United States Attorney for the Western District of Pennsylvania, and David Lew, Assistant United States Attorney for the Western District of Pennsylvania, and respectfully represents as follows:

1. Plaintiff, the United States of America, brings this civil action *in rem* for forfeiture to the United States of a Sig Sauer P320 X-Carry Pistol, bearing serial number 58H048166; a Ruger Standard Pistol, bearing serial number 642-28484; and miscellaneous ammunition (collectively the “Defendant Property”) pursuant to 18 U.S.C. § 924(d)(1).

2. Jurisdiction is predicated upon 28 U.S.C. §§ 1345 and 1355. Venue is proper under 28 U.S.C. §§ 1395 and 1355.

3. On August 23, 2021, the United States Marshals’ Fugitive Task Force, including agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives (the “ATF”), searched the residence of Ashley Smith (“Smith”) on Martha Street in Homestead, Pennsylvania pursuant to a

state arrest warrant for Jeffrey Lowry ("Lowry") and federal search warrants. The state arrest warrant for Lowry was issued for charges including (1) person not to possess a firearm; and (2) illegally discharging a firearm. Smith was known to be the paramour of Lowry.

4. During the search of Smith's residence, agents located both Smith and Lowry.

5. Agents also found multiple baggies of suspected marijuana in a third-floor bedroom.

6. In the same room, agents recovered a Sig Sauer P320 X-Carry Pistol, bearing serial number 58H048166; a Ruger Standard Pistol, bearing serial number 642-28484; and approximately 350 rounds of ammunition (the Defendant Property).

7. While agents were reviewing the inventory of the search with Smith, she stated that she was a marijuana user. As an unlawful user of a controlled substance, Smith was prohibited under 18 U.S.C. § 922(g)(3) from possessing firearms or ammunition.

8. Lowry was also prohibited from possessing firearms or ammunition due to multiple prior convictions, which according to state court dockets include weapons of escape; aggravated assault; multiple robbery offenses; multiple criminal conspiracy offenses; drug offenses; multiple illegal firearm possession offenses; theft; and escape.

9. Following the search of the residence, agents took custody of the Defendant Property.

10. The ATF then instituted administrative forfeiture proceedings against the Defendant Property. During these proceedings, Smith filed a claim for the Defendant Property. As a result, the United States has instituted this civil forfeiture action against the Defendant Property.

11. Based on the foregoing, the Defendant Property is forfeitable to the United States pursuant to 18 U.S.C. § 924(d)(1).

WHEREFORE, the United States of America respectfully requests that process of warrant *in rem* issue for the arrest of the Defendant Property; that judgment of forfeiture be entered in favor of the United States for the Defendant Property; and that the United States be granted such relief as this Honorable Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted,

CINDY K. CHUNG
United States Attorney

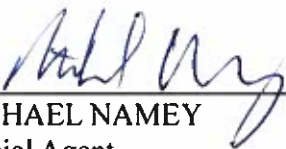
/s/ David Lew
DAVID LEW
Assistant U.S. Attorney
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
412-894-7482 (tel)
412-644-2644 (fax)
david.lew@usdoj.gov
PA ID No. 320338 (AFF)

VERIFICATION

I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearm and Explosives and an agent assigned the responsibility for this case. I have read the contents of the foregoing complaint for forfeiture and the statements contained therein are true and correct to the best of my knowledge and belief.

I verify under penalty of perjury that the foregoing is true and correct. Executed on this

5 day of January, 2022.



MICHAEL NAMEY
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives